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February 8, 2017

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Dear Seth, Joe, Pat, and Anne,

On behalf of Big Ox Energy, LLC ("Big Ox"), we hereby respond within the very tight seven days that you provided us to the expanded information requests in your February 1 letter, which you allege are based on your broad interpretation of U.S. Environmental Protection Agency ("EPA") Region VII's jurisdiction under the Clean Air Act ("CAA") and Clean Water Act ("CWA").

Request for a Joint Meeting and Constructive Dialogue

As you will recall, on behalf of Big Ox we requested a meeting with EPA Region VII back in December when we first received on December 22nd the two overlapping information requests

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under the CAA and CWA. We strongly believe that a face-to-face meeting with both EPA Region VII and the Nebraska Department of Environmental Quality (“NDEQ”) would be the most effective and efficient means of reaching a mutual understanding of the critical facts and addressing any outstanding issues or questions. We are very concerned that the overly-burdensome, duplicative and escalating information requests are based on a misunderstanding that Big Ox somehow has been a major source of hydrogen sulfide emissions released inside and outside of the facility boundaries. This is simply not true.

Since January 6, we have now responded to each of EPA’s overlapping requests through six different responses, including this letter.¹ As part of our comprehensive responses, at considerable expense, we have obtained nationally-prominent environmental consultants who have prepared several reports that we have submitted to document the amount of chemicals (particularly methane and hydrogen sulfide) stored or used on-site, as well as the representative range of the concentration of hydrogen sulfide in the production biogas. We have further expanded the prior threshold calculation report prepared by Haley & Aldrich to try and accommodate EPA’s recent concerns. All of this information fully documents that the concentration of hydrogen sulfide in the biogas that is being produced at the facility is typically less than 500 ppmv (during roughly 95% of the time that sampling data was recorded inside the enclosed headspace of the biodigesters from November 1, 2016 to January 23, 2017). (Please see the Haley & Aldrich memorandum, dated February 7, 2017, which is attached hereto as Exhibit A). That Haley & Aldrich memorandum documents that there was an average concentration of only 258 ppmv of hydrogen sulfide in the biogas that was generated in the months of November, December, and January, based on extensive sampling points inside each of the digesters. Significantly, these well-established measurements of the production biogas are within the enclosed production process and not related to the “release” of any gases into the Big Ox Energy buildings or ambient air. Accordingly, no

¹ Big Ox sent information to EPA Region VII on January 6, January 10, January 27, and January 31.

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emission or regulatory standard applies to the composition of the production biogas, which is enclosed within the production system. Big Ox separately submitted the enclosed response and the separate Haley & Aldrich report to NDEQ last week on NDEQ's new overlapping questions addressing the potential emission of sulfides to the ambient air outside the facility (Exhibit B).

Instead of constructively discussing all this compelling information, we now find ourselves responding to yet another EPA information request that we received in the last week, which asks overlapping questions relative to hydrogen sulfide emission-releases—now under the Comprehensive Environmental Response, Compensation and Liability Act (“CERCLA”). (Please see CERCLA information request, attached as Exhibit C). In that newest CERCLA request, EPA asks for responses to 25 additional questions relating to the December 14, 2016 employee incident, which Big Ox has already addressed extensively in its prior six responses to the EPA information requests—as well as Big Ox's responses to the overlapping subpoena submitted by OSHA in December. We continue to believe that many of EPA's requests (particularly under Section 112(r) of the CAA) are beyond the scope of its statutory jurisdiction, are overly burdensome, and, in many cases, are without proportional justification in terms of providing any meaningful benefit or value tailored to any actual problems or valid concerns. (See Big Ox's letter to EPA Region VII dated January 27, 2017).

We are respectfully concerned that there is a lack of coordination and clearly an inefficient duplication of resources amongst the OSHA office, NDEQ and the three separate EPA offices (CAA, CWA, and now CERCLA)—that are each asking overlapping questions focused on hydrogen sulfide, even though Big Ox has documented that the concentrations of hydrogen sulfide in its production biogas are at very low levels. Accordingly, we would like to meet and work directly with the various three department offices of EPA Region VII, together with NDEQ, through a coordinated and constructive dialogue, on our consultant's reports and the best data available and respond to your questions in a more focused, effective, and efficient manner.

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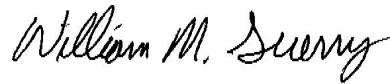
Confidential Business Information Claims

Big Ox understands that documents that are publicly available or required by statute or regulation cannot be claimed as Confidential Business Information. Big Ox will respond to the particulars of EPA's CBI substantiation request. Big Ox will also follow EPA's instructions and deliver the attachments to this request in hard copy in accordance with CBI procedures.

* * *

If we find any additional documents or data relevant to this Information Request, we will provide them to EPA as they are identified. On behalf of Big Ox we look forward to working with you to address all EPA's issues and questions.

Best regards,

A handwritten signature in black ink that reads "William M. Guerry". The signature is written in a cursive, flowing style.

William M. Guerry
Jonathan K. Cooperman